

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WASHINGTON INTERNATIONAL
INSURANCE COMPANY,

Plaintiff,

v.

ARTEK BUILDERS, INC.,

Defendant

CIVIL ACTION NO. 05-CV-10437-GAO

**AUTOMATIC DISCLOSURE STATEMENT OF WASHINGTON INTERNATIONAL
INSURANCE COMPANY PURSUANT TO FED. R. CIV. P. 26(A)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and L.R. 26.2(A),

Plaintiff Washington International Insurance Company (“WIIC”) hereby makes the following disclosures based on its present knowledge of the facts of this case:

GENERAL OBJECTIONS

WIIC objects generally to any claim or suggestion that it has any obligation to produce information or documents other than those properly required under the Rules of Civil Procedure, and further objects to any aspect of this process that may be argued to broaden the scope of the pleadings, either directly or by implication. WIIC likewise objects to any provision alleged to impose upon it an obligation to divulge any material protected by any privilege, including without limitation the work-product protection and the attorney-client privilege.

These objections are specifically incorporated into each disclosure below, as if set forth therein. Where WIIC decides to provide information in spite of an objection, it does so without prejudice or waiver. Any such disclosure does not amount to an admission or concession as to the merits of any opposing parties' entitlement thereto or of WIIC's objection thereto under any

circumstances. WIIC reserves the right to supplement this response as additional information becomes known through the discovery process.

Without waiving and subject to these general objections, WIIC hereby provides the following automatic disclosures:

A. PERSONS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT WIIC MAY USE TO SUPPORT ITS CLAIM AND DEFENSES AND THE SUBJECT OF SUCH INFORMATION

1. JS Luiz III
12 Ventura Drive
North Dartmouth, MA 02747

Subject of Information:

- Knowledge and information concerning Artek Builders, Inc.'s relationship to JS Luiz, III, Inc.;
- Knowledge and information regarding the establishment of Artek Builders, Inc.;
- Knowledge and information regarding the projects, including each individual subcontract.

2. Ronald C. Merlo
JS Luiz III, Inc.
12 Ventura Drive
North Dartmouth, MA 02747

Subject of Information:

- Knowledge and information concerning Artek Builders, Inc.'s relationship to JS Luiz, III, Inc.;
- Knowledge and information regarding the establishment of Artek Builders, Inc.;
- Knowledge and information regarding the projects, including each individual subcontract.

3. Pamela Piccaro

91 Chase Road
North Dartmouth, MA 02747

Subject of Information:

- Knowledge and information concerning Artek Builders, Inc.'s relationship to JS Luiz, III, Inc.;
- Knowledge and information regarding the establishment of Artek Builders, Inc.;
- Knowledge and information regarding the projects, including each individual subcontract.

4. Diane Merlo
Artek Builders, Inc.
26 Prospect Road
Mattapoisett, MA

Subject of Information:

- Knowledge and information concerning Artek Builders, Inc.'s relationship to JS Luiz, III, Inc.;
- Knowledge and information regarding the establishment of Artek Builders, Inc.;
- Knowledge and information regarding the projects, including each individual subcontract.

5. Shirley Cormier
Artek Builders, Inc.
13 Pike Street
N. Dartmouth, MA 02747

Subject of Information:

- Knowledge and information of their corporation of Artek Builders, Inc.

6. Gerald E. Johnson, Esquire
Swansea Professional Park
1010 Grand Army Highway
Swansea, MA 02777

Subject of Information:

- Knowledge and information concerning Artek Builders, Inc.

7. Christopher DiSano, Esquire
Brian LaPlante, Esquire
LaPlante & Sowa, LTD
67 Cedar Street, Suite 102
Providence, RI 02903

Subject of Information:

- Knowledge and information concerning JS Luiz, III and Artek Builders, Inc.

8. Marcelo Virgili, Esquire
NAS Insurance Group
1200 Arlington Heights Road, Suite 400
Itasca, Illinois 60143

Subject of Information:

- Knowledge and information concerning the investigation of the payment bond claims;
- Knowledge and information regarding the payment bond claims;
- Knowledge and information concerning WIIC's rights and obligations under the payment bond;
- Knowledge and information regarding WIIC's communications with JS Luiz, III, and Artek Builders, Inc., regarding the bonds.
- Knowledge and information regarding communications relative to the payment bond claims;

B. DOCUMENTS IN WIIC'S POSSESSION, CUSTODY OR CONTROL THAT MAY BE USED TO SUPPORT WIIC'S CLAIMS OR DEFENSES.

The following is a list of categories of documents within the possession, custody or control of WIIC or its counsel at this time relating to the current civil action generally: it includes, without prejudice, those documents that WIIC believes to be related to issues alleged in

the pleadings and includes those documents properly available to opposing parties. The listing of any document category or the production of any document does not amount to a waiver by WIIC or any available privilege or protection, each of which is specifically reserved.

1. Non-privileged correspondence between and among WIIC, JS Luiz, Artek Builders, Inc., and representatives of each;
2. Non-privileged documents generated by WIIC, JS Luiz, Artek Builders, Inc., and representatives of each;
3. Correspondence and agreements between WIIC, JS Luiz, Artek Builders, Inc., and representatives of each; and
4. Non-privileged notes and memoranda maintained by WIIC.

Copies of the aforementioned documents are currently maintained at the offices of WIIC's counsel in this case.

C. COMPUTATION OF DAMAGES

N/A.

D. INSURING AGREEMENTS

WIIC is not aware of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of any judgment which may be entered in this case.

Respectfully Submitted,
WIIC International Insurance Company,
By its attorneys,

Bradford R. Carver, BBO#565396
Paula-Lee Chambers, BBO#566888
Hinshaw & Culbertson LLP
One International Place, 3rd Floor
Boston, MA 02110
(617) 213-7000

Date: July 27, 2005

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These objections are specifically incorporated into each disclosure below, as if set forth therein. Where WIIC decides to provide information in spite of an objection, it does so without prejudice or waiver. Any such disclosure does not amount to an admission or concession as to the merits of any opposing parties' claims. The nature of WIIC's objection thereto under any

Respectfully Submitted,
VHC International Insurance Company,
by its attorneys,

/s/ Paula-Lee Chambers
Elford R. Carver, BBO#565396
Paula-Lee Chambers, BBO#566888
Hushaw & Culbertson LLP
One International Place, 3rd Floor
Boston, MA 02110
(617) 213-7000

Date: July 27, 2005